

HOUSE No. 797

By Mr. O'Brien of Kingston, petition of Thomas J. O'Brien and others for legislation to further define abuse. The Judiciary.

The Commonwealth of Massachusetts

PETITION OF:

Thomas J. O'Brien	Paul J. Donato
Bradley H. Jones, Jr.	Bruce J. Ayers
Christopher G. Fallon	Vincent Manuel deMacedo
Richard R. Tisei	

In the Year Two Thousand and Five.

AN ACT REGARDING THE DEFINITION OF ABUSE AS USED WITHIN THE
CONTEXT OF THE LAW RELATIVE TO ABUSE PREVENTION.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 1 of chapter 209A of the General Laws, as
2 appearing in the 2002 Official Edition, is hereby amended by adding
3 to the definition of "Abuse" after the words "household members"
4 as so appearing on line 4 the following words:— or caretaker.
5 Said Section 1 of chapter 209A is further amended by inserting
6 after the definition of "Abuse" as so appearing on line 3 through
7 line 8, the following language:—
8 "Caretaker", a non-familial individual who is entrusted with a
9 degree of responsibility for the health, welfare or safety of a
10 person with mental retardation, or a person who is otherwise men-
11 tally or physically disabled, or an elderly person as defined in
12 section fourteen of chapter 19A of the General Laws. Said respon-
13 sibility may arise from a responsibility arising from a fiduciary
14 duty imposed by law, a responsibility arising from a contractual
15 duty or a responsibility arising out of the voluntary assumption of
16 the duties of a caretaker.

1 SECTION 2. Section 3 of Chapter 209A of the General Laws, as
2 appearing in the 2002 Official Edition, is hereby amended by
3 striking the word “or” as so appearing after the word “family” and
4 before the word “household” on line 2 and inserting in place thereof
5 a comma (,) and inserting after the words “household member” as so
6 appearing on line 2 the following words:— or caretaker.

1 SECTION 3. Section 6 of Chapter 209A of the General Laws, as
2 appearing in the 2002 Official Edition, is hereby amended by
3 striking the word “or” as so appearing after the word “family” and
4 before the word “household” on line 2 and inserting in place thereof
5 a comma (,) and inserting after the words “household member” as so
6 appearing on line 2 the following words:— or a person with mental
7 retardation, or a person who is otherwise mentally or physically dis-
8 abled, or an elderly person as defined in section fourteen of chap-
9 ter 19A of the General Laws.